APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,329	02/01/2001	Yuri J. Breitbart	BREITBART 14-8-1-39	9203

27964	7590	05/19/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
2153	

6

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/775,329	**Applicant(s)** BREITBART ET AL.
	Examiner Yasin M Barqadle	**Art Unit** 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 February 2001_.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-21_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35

U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and dist inctly claiming the subject matter which the applicant
> regards as his invention.

2.   Claims 1 and 3 recites the limitation "said shortest path

length" in lines 6-7. There is insufficient antecedent basis for

this limitation in the claim. Appropriate correction is required.

3.   Claims 1 and 3 recites the limitation "said particular

source" in line 7. There is insufficient antecedent basis for

this limitation in the claim. Appropriate correction is required.

4.   Claim 5 recites the limitation "said shortest path length"

in line 10. There is insufficient antecedent basis for this

limitation in the claim. Appropriate correction is required.

5.   Claim 5 recites the limitation " said particular source" in

line 10.   There is insufficient antecedent basis for this

limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for
patent by another filed in the United States before the invention thereof
by the applicant for patent, or on an international application by another
who has fulfilled the requirements of paragraphs (1), (2), and (4) of
section 371(c) of this title before the invention thereof by the applicant
for patent.

The changes made to 35 U.S.C. 102(e) by the American

Inventors Protection Act of 1999 (AIPA) and the Intellectual

Property and High Technology Technical Amendments Act of 2002 do

not apply when the reference is a U.S. patent resulting directly

or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference

is determined under 35 U.S.C. 102(e) prior to the amendment by

the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by HSU USPN (6363319).

As per claim 1, Hsu teaches a system for selecting open shortest

path first (OSPF) aggregates (summary information of network fig.

1c and col. 5, 44-54), comprising: a

database (database 154, Fig. 1D) for containing data pertaining

to candidate OSPF aggregates and corresponding weights (link

cost) [fig. 1C and col. 4, 38-45 and col. 5, 44-54]; and

an aggregate

selector (fig. 1c BCRS 115C), associated with said database, that

selects at least a subset of said OSPF aggregates such that said

shortest path length between said particular source and

destination subnets (col. 4, lines 1-17 and col. 5, lines 44-52)

resulting from advertisement of a set of weighted aggregates

approaches said shortest path length between said particular

source and destination subnets irrespective of said advertisement

[the cost (weight) of a link is the product of its static cost

from link state advertisement and calculated cost bias factor of

for each link col. 6, lines 29-65 and col. 10, lines 13-61].

As per claim 2, Hsu teaches the system as recited in claim 1

wherein said aggregate selector treats errors in said shortest

path length as having unequal degrees of importance [col. 7,

lines 36-55 and col. 11, lines 25-61].

As per claim 3, Hsu teaches a method of selecting open shortest

path first (OSPF) aggregates (summary information of network fig.

1c and col. 5, 44-54), comprising:

storing data pertaining to candidate OSPF aggregates and

corresponding weights (link cost) (col. 4, lines 33-45 and col.

5, 44-54); and selecting at least a subset of said OSPF

aggregates (summary information of network fig. 1c) such that

said shortest path length between said particular source and destination subnets (col. 4, lines 1-17 and col. 5, lines 44-52) resulting from advertisement of a set of weighted aggregates approaches said shortest path length between said particular source and destination subnets irrespective of said advertisement [the cost (weight) of a link is the product of its static cost from link state advertisement and calculated cost bias factor of for each link col. 3, lines 15-20; col. 6, lines 29-65 and col. 10, lines 13-61].

As per claim 4, Hsu teaches the method as recited in claim 3 wherein said selecting comprises treating errors in said shortest path length as having unequal degrees of importance [col. 7, lines 36-55 and col. 11, lines 25-58. see also col. 12, lines 31-39].

As per claim 5, Hsu teaches an autonomous network domain (fig. 1c and col. 10, lines 22-41)), comprising:

plurality of routers and interconnecting segments that cooperate to form subnets and paths there between (see fig. 1C); and a system for selecting open shortest path first (OSPF) aggregates including:

a database (database 154, fig. 1D) for containing data pertaining to candidate OSPF aggregates and corresponding weights (link cost) (col. 4, lines 1-17), and an aggregate selector (fig. 1C, BCRC 115 C), associated with said database, that selects at

least a subset of said OSPF aggregates such that said shortest

path length between said particular source and destination

subnets (col. 4, lines 6-17 and col. 5, lines 44-52) resulting

from advertisement of a set of weighted aggregates approaches

said shortest path length between said particular source and

destination subnets irrespective of said advertisement [the cost

(weight) of a link is the product of its static cost from link

state advertisement and calculated cost bias factor of for each

link col. 3, lines 15-20; col. 6, lines 29-65 and col. 10, lines

13-61].

As per claim 6, Hsu teaches the domain as recited in claim 5

wherein said aggregate selector treats errors in said shortest

path length as having unequal degrees of importance [col. 7,

lines 36-55 and col. 11, lines 25-58. see also col. 12, lines 31-

39].

As per claims 7, 12 and 17, Hsu teaches a system for selecting

open shortest path first (OSPF) aggregate weights (link cost) for

a particular area (fig. 1C area 102), comprising:

a database for containing data pertaining to candidate OSPF

aggregates [col. 4, 38-45 and col. 5, 44-54]; and   a

weight assigner, associated with said database, that assigns, for

said OSPF aggregates, weights based on an average distance of

subnets in said area for a particular area border router (ABR) of

said area [col. 5, lines 44-63 and col. 6, line 30-61. see also

col. 10, lines 13-61].

As per claims 8,13 and 18, Hsu teaches the invention wherein said weight assigner employs a search heuristic to assign said weights [col. 10, lines 13-61].

As per claims 9,11,14,16,19 and 21, Hsu teaches the invention wherein said weight assigner treats errors in path lengths in said area as having unequal degrees of importance [col. 7, lines 36-55 and col. 11, lines 25-61].

As per claims 10,15 and 20, these claims include similar limitations addressed in claims 7 and 8. Therefore, they are rejected with the same rationale.

Conclusion

7.   The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be

reached on 703-305-4792. The fax phone numbers for the
organization where this application or proceeding is assigned are
703-872-9306 for regular communications and 703-746-7238 for
After Final communications.

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

Art Unit 2153

Dung C. Dinh
Primary Examiner